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TO

Confirm certain Provisional Orders of the Local Government Board for Ireland relating to the County Borough of Cork and the Urban District of Dungarvan.

A.D. 1919.

WHEREAS the Local Government Board for Ireland (hereinafter referred to as "the Local Government Board") have made the Provisional Order set out in Schedule A. hereto under the Public Health (Ireland) Acts 1878 to 1918 and the Provisional Order set out in Schedule B. hereto under the Local Government (Ireland) Act 1898 :

And whereas it is requisite that the said Orders should be confirmed by Parliament :

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

1. The Orders set out in the schedules hereto are hereby confirmed and all the provisions thereof shall have full validity and force. Orders in schedule confirmed.

2. This Act may be cited as the Local Government Board (Ireland) Provisional Orders Confirmation Act 1919. Short title.

A.D. 1919.

## SCHEDULES.

## SCHEDULE A.

## COUNTY BOROUGH OF CORK.

*Cork County Borough.* *Provisional Order to alter and amend the Cork Improvement Act 1852 and the Cork Bridges Waterworks and Improvement Act 1856.* 5

WHEREAS the lord mayor aldermen and burgesses of the county borough of Cork (in this Order referred to as "the Corporation") are the urban sanitary authority for the urban sanitary district comprising the county borough of Cork: 10

And whereas the Cork Improvement Act 1852 (in this Order referred to as "the Act of 1852") and the Cork Bridges Waterworks and Improvement Act 1856 (in this Order referred to as "the Act of 1856") are in force in the said district (in this Order referred to as "the Borough"): 15

And whereas section 2 of the Cork Improvement Act 1850 provides that the Acts recited in the preamble thereto which include inter alia the Act of 1852 and the Act of 1856 as each is amended by any subsequent Act and by that Act should be read and construed together as one Act: 20

And whereas section 17 of the Act of 1852 provides that the treasurer and the town clerk for the time being of the said borough should respectively be the treasurer and clerk for the purposes of the said Act:

And whereas the Corporation have provided offices for the said treasurer and town clerk and for other officers engaged in administering the Act of 1852 and the Act of 1856 in the municipal buildings and city hall in the borough: 25

And whereas sections 37 and 46 respectively of the Act of 1852 require the Corporation to raise and levy by means of the rate for the general purposes in said Act provided such sums of money as should be required in order to make provision for all such purposes as but for the passing of the said Act the grand jury of the county of the city of Cork with or without previous application to presentment sessions would be bound or empowered to make or might lawfully 30 35

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have made provision for out of the rates or cesses which they were empowered to raise or levy within the said borough and said section contains a proviso that in no case should the said rate for general purposes be applicable to the making enlarging repairing or paving any street road or passage within the said borough:

And whereas by section 88 of the Act of 1853 certain provisions of the Towns Improvement Clauses Act 1847 (in this Order referred to as "the Act of 1847") including the clauses of the said Act with respect to rates were incorporated with and form part of the Act of 1853:

And whereas section 118 of the Act of 1852 authorised the Corporation from time to time to make assess and levy a rate to be called "the improvement rate" for the purpose of defraying certain costs and expenses and compensation in said section mentioned such rate not to exceed in any one year five shillings in the pound on the net annual value of the property included in the said rate:

And whereas section 120 of the Act of 1852 provides that all moneys which should come to the hands of the Corporation from the said improvement rate or which should be raised by any mortgage or security thereof granted by the Corporation and all other moneys to be received by the Corporation under the said Act except the moneys arising from the rate for general purposes should form a fund to be called "the improvement fund" and should be applied in the manner set forth in said section:

And whereas section 41 of the Act of 1856 authorises the Corporation from time to time to assess and levy a rate to be called "the public water rate" upon certain lands tenements and premises in said section set forth within the limits for compulsory water supply such rate not to exceed in any one year threepence in the pound on the valuation of the property in said section specified:

And whereas section 43 of the Act of 1856 authorises the Corporation from time to time to make assess and levy a rate to be called "the domestic water rate" upon and from the occupiers of all dwelling-houses and of such parts or portions of all shops and buildings as may be used as dwelling-houses within the limits for compulsory water supply according to the valuation of such dwelling-houses and shops and buildings and of any gardens or land attached or belonging thereto respectively which rate should not in any one year exceed one shilling in the pound of the valuation of the said property in said section specified:

And whereas by section 47 of the Act of 1856 the several provisions of the Act of 1847 with respect to the manner of making rates

A.D. 1919. (except the sections numbered respectively 167 176 177 and 179) with  
Cork County respect to the appeal to be made against any rate and with respect to  
Borough. the recovery of the rates were incorporated with the said Act of 1856  
and are to be applied to the water rates thereby authorised :

And whereas it is expedient that sections 37 41 49 83 118 120 5  
and 124 of the Act of 1852 and sections 41 43 and 47 of the Act  
of 1856 and section 2 of the Cork Improvement Act 1880 and all the  
said clauses of the Act of 1847 relating to rates so far as the same are  
incorporated with the said Act of 1852 or the Act of 1856 or the said  
Cork Improvement Act 1880 respectively or any one or more of them 10  
shall be altered and amended and such sections as are thereby rendered  
inapplicable shall be repealed so as to extend the powers of the  
Corporation with respect to the making assessment levy and recovery  
of said rates :

And whereas it is expedient that in certain cases the Corporation 15  
shall be empowered to transfer and pay certain sums of money from  
the said improvement fund to the borough fund of the said county  
borough :

And whereas it is expedient that section 120 of the Act of 1852  
shall be altered and amended by including amongst the purposes for 20  
which moneys which shall come to the hands of the Corporation from  
the improvement rate may be applied such transfer and payment as  
sforesaid and also the cost of maintaining and regulating the said  
offices in the said municipal buildings and city hall and the salaries  
and wages of the officials and staff employed in and about such 25  
maintenance and regulation :

And whereas the Corporation have applied to the Local Govern-  
ment Board for Ireland (in this Order referred to as "the Local  
Government Board") for a Provisional Order amending the Act of  
1852 and the Act of 1856 by removing the said limits on the said 30  
improvement rate and domestic water rate respectively and altering  
the limit on the said public water rate by extending the remedies for  
the recovery of the rates authorised by the said Acts and by providing  
for the transfer and payment in each year from the said improvement  
fund to the said borough fund of the deficiency in the revenue 35  
account of the borough fund in the previous financial year and the  
raising of the amount so to be transferred by means of the improve-  
ment rate referred to in the Act of 1852 :

Now therefore We the Local Government Board in pursuance of  
the powers given to Us by section 205 and section 214 of the Public 40  
Health (Ireland) Act 1878 and of all other powers enabling Us in  
that behalf do hereby order that as and from the first day of April

one thousand nine hundred and twenty the following provisions shall have effect that is to say:—

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1. The "rate for general purposes" provided by the Act of 1852 shall be abolished and the sums of money which shall be required  
5 for all such purposes as were applicable to the said "rate for general purposes" shall be assessed levied and recovered as part of the poor rate and the words "rate for general purposes" in sections 37 41 49 118 120 and 124 of the Act of 1852 are therefore hereby repealed and the said sections shall be deemed to be amended by reading in  
10 the said sections respectively the words "poor rate" in lieu of the words "rate for general purposes" and all statutory provisions and enactments applicable to poor rate are hereby incorporated. Sections 38 39 40 42 43 44 45 and 46 of the Act of 1852 are hereby repealed. Notwithstanding this or any other provisions to the contrary  
15 it shall be lawful for the Corporation at their meeting in September one thousand nine hundred and nineteen to make assess and levy the "rate for general purposes" for the period ending the thirty-first day of March one thousand nine hundred and twenty.

2. So much of section 88 of the Act of 1852 as incorporates  
20 section 167 of the Act of 1847 shall be and is hereby repealed.

3. The following words of section 118 of the Act of 1852 are hereby repealed "Not exceeding in any one year five shillings in the pound on the net annual value of the property included in such  
" rate."

4. The following words of section 41 of the Act of 1856 are hereby repealed "all dwelling-houses shops warehouses counting-houses  
" coach-houses stables cellars vaults buildings depôts workshops mills  
" and manufactories and of the several gardens yards or lands there-  
" unto belonging and all other lands gardens yards tenements buildings  
30 " and premises within the limits for compulsory water supply."

5. The following words of section 43 of the Act of 1856 are hereby repealed "all dwelling-houses and of such parts or portions  
" of all shops and buildings as may be used as dwelling-houses  
" within the limits for compulsory water supply according to the  
35 " valuation of such dwelling-houses and shops and buildings and of  
" any gardens or land attached or belonging thereto respectively"  
and it shall be lawful for the Corporation and they are hereby authorised from time to time to assess levy and recover within the said borough the "public water rate" and "domestic water rate" in  
40 said sections 41 and 43 of the Act of 1856 respectively provided upon the rateable hereditaments specified in section 63 of the Poor Relief (Ireland) Act 1838.

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6. In section 41 of the Act of 1856 the word "threepence" is hereby repealed and the limit on the said rate shall be increased to sixpence and the said section shall be henceforth read in this respect as if the word "sixpence" was substituted for threepence. In section 43 of the Act of 1856 the words "which rate shall not in any one year 5  
"exceed one shilling in the pound of the valuation of such property  
"nor within that limit" shall be repealed.

7. The regulations and incidents set forth in section 42 of the Act of 1856 shall continue to apply to the said public water rate notwithstanding any of the provisions herein contained. 10

8. Section 44 of the Act of 1856 is hereby repealed but sections 46 47 48 49 50 and 52 of the Act of 1856 shall continue to apply to the said public water rate and the said domestic water rate respectively notwithstanding anything herein contained.

9. In any case in which the Corporation shall within the limits 15  
for compulsory water supply furnish by agreement with any person or Corporation a supply of water to any lands tenements or hereditaments it shall be lawful for the Corporation if they think fit to do so during the currency of such agreement to exclude such lands tenements or hereditaments or any portion or portions thereof respectively 20  
from the lands tenements and hereditaments upon which the domestic water rate shall be assessed and levied.

10. In addition to all other powers and provisions which are conferred upon the Corporation for the recovery of any of the several rates which the Corporation are by this or any other enactment 25  
authorised to assess or levy the following provisions shall apply sections 73 and 78 of the Poor Relief (Ireland) Act 1838 and sections 2 3 4 6 and 8 of the Poor Relief (Ireland) Act, 1843 and sections 17 and 18 of the Poor Relief (Ireland) Act 1849 and it shall also be lawful for the Corporation if they so think fit to bring any 30  
action or proceeding in any Division of the High Court of Justice in Ireland against the person rated or his legal personal representative to recover the said several rates or any part or parts thereof.

11. The provisions of section 120 of the Act of 1852 shall be extended and the following several matters shall be deemed respectively 35  
to be "purposes to which the said improvement rate or improvement fund" is made applicable by the said section:—

- (a) If in any financial year the payments and liabilities of the Corporation in respect of the borough fund shall exceed the income of said fund from all sources the Corporation 40  
shall transfer and pay the amount of such deficiency from the improvement fund to the borough fund:

(b) The cost of maintaining and regulating the said offices in said municipal buildings and city hall and the salaries and wages of the officials and staff employed in and about such maintenance and regulation: A.D. 1919.  
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5 (c) To pay any interest on the several loans for the building and rebuilding of county of Cork courthouse.

12. The costs and expenses of the Corporation and the Local Government Board for Ireland preliminary to and of and incidental to the preparing applying for and obtaining this Provisional Order or  
10 otherwise in relation thereto shall be paid by the Corporation out of the borough fund or the improvement rate or other rate or revenue of the Corporation but the Corporation shall ultimately charge the same to the improvement fund.

13. This Order may be cited as the Cork County Borough Order  
15 1919.

Given under our seal of office this twenty-seventh day of May in the year of our Lord one thousand nine hundred and nineteen.

(L.S.)

(Signed) H. A. ROBINSON.

20 **SCHEDULE B.**

**URBAN DISTRICT OF DUNGARVAN.**

*Provisional Order to alter the Financial Relations between the Urban District of Dungarvan and the County of Waterford.* Dungarvan Urban District.

25 WHEREAS the council of the urban district of Dungarvan (in this Order referred to as "the district council") have presented a memorial to the Local Government Board for Ireland (in this Order referred to as "the Local Government Board") alleging that the financial relations between the said urban district and the county of Waterford are  
30 inequitable:

And whereas the said memorial was presented to the Local Government Board after the expiration of fifteen years from the date mentioned in section 71 of the Local Government (Ireland) Act 1898: 61 & 62 Vict. c. 37.

35 And whereas the Local Government Board having inquired into the circumstances think it just to make an Order altering the said financial relations:

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Dungarvan  
Urban  
District.

41 & 42 Vict.  
c. 52.

Now therefore We the Local Government Board in pursuance of the powers given to Us by section 71 of the Local Government (Ireland) Act 1898 and of all other powers enabling Us in that behalf do hereby order that from and after the date of the Act confirming this Order the following provisions shall have effect namely:—

5

1. As and from the first day of April in the year one thousand nine hundred and twenty the district council shall anything in any other Act notwithstanding be exempt from contributing to the following county at large expenses as hereinafter specified namely:—

- (a) The several expenses specified in clause 4 of the Dungarvan 10  
(Financial Relations) Order 1903;
- (b) Expenses of main roads;
- (c) Expenses of "Road machinery repairs and renewals";
- (d) Expenses (including interest on and repayment of loans) incurred in connection with Rallyuocoty Bridge Burchael's 15  
Bridge the steam rolling of roads in rural districts of building piers at Passago East and Traunore the Helvick harbour works the repairing of the sea wall at Ardmore and the expenses of ferries.

2. The costs and expenses of the district council and the Local 20  
Government Board incurred in respect of the application for preparation making and confirmation of this Order shall be paid by the district council out of the rate leviable under section 80 of the Towns Improvement (Ireland) Act 1854 as amended by any enactment.

17 & 18 Vict.  
c. 103.

3. This Order may be cited as the Dungarvan (Financial Relations) 25  
Order 1919.

Given under our seal of office this twenty-first day of May in the year of our Lord one thousand nine hundred and nineteen.

(L.S.)

(Signed) EDMUND BOURKE. 30



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To confirm certain Provisional Orders  
of the Local Government Board for  
Ireland relating to the County  
Borough of Cork and the Urban  
District of Dungarvan.

*Presented by Mr. Macpherson.*

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*Ordered, by The House of Commons, to be Printed,  
3 June 1919.*

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